

OFFICE OF
GENERAL COUNSEL

BEFORE THE UNITED STATES FEDERAL ELECTION COMMISSION

David Kelly

MUR No. 7408

Roseville, CA 95661

Gary Gutowsky

Roseville, CA 95661

v.

Jessica Morse (FEC ID: H8CA04210)

Pollock Pines, CA 95726

Jessica Morse for Congress (FEC ID: C00650408)

1079 Sunrise Ave., Ste B-275

Roseville, CA 95661

Stephen Smallcombe, Treasurer

Jessica Morse for Congress

1079 Sunrise Ave., Ste B-275

Roseville, CA 95661

COMPLAINT

1. This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1). It is based on information and belief that Jessica Morse, a candidate for the U.S. House of Representatives in California's 4th District, her principal campaign committee, and her committee's treasurer, Stephen Smallcombe, have violated provisions of the Federal Election Campaign Act ("FECA"), 52 U.S.C. § 30101 et seq.
2. Specifically, the complainants have reason to believe that Ms. Morse, her principal campaign committee, and her committee's treasurer (hereinafter collectively "the Morse Campaign" or "her Campaign") have violated 52 U.S.C. § 30104 by failing to report, in

their April 2018 quarterly and Pre-Primary filings with this Commission, \$100,000 or more in spending relating to her Campaign's substantial direct mail voter outreach efforts.

3. "If the Commission, upon receiving a complaint... has reason to believe that a person has committed, or is about to commit, a violation of [FECA]... [t]he Commission *shall* make an investigation of such alleged violation...." 52 U.S.C § 30109(a)(2) (emphasis added).

FACTS

4. The complainants are residents of California's 4th Congressional District who are duly registered to vote in the district.
5. Over the course of the last six weeks, the complainants have received via U.S. Mail copies of the direct mail voter outreach materials ("mailers") reproduced as Exhibits A, B, and C to this Complaint. Each of the aforementioned mailers bears the prominent disclaimer that it was "Paid for by Jessica Morse for Congress." *Id.*
6. On information and belief, the Morse Campaign has sent all three of the aforementioned mailers to tens of thousands of voters throughout California's 4th Congressional District.
7. On a careful review of the Morse Campaign's April 2018 quarterly and Pre-Primary filings with the Commission (dated April 15, 2018 and May 24, 2018, respectively), "printing" and "postage" are the only categories of expenses reported by the Morse Campaign that could conceivably account for its spending on its direct mail program.
8. In its April 2018 quarterly filing with this Commission, the Morse Campaign reports having spent \$402.19 on postage¹ and \$3375.24 on printing² during the first quarter of

¹ Transaction IDs VTQ7D9QT430, VTQ7D9QT3Z0, VTQ7D9QT471, VTQ7D9QT3T1, VTQ7D9QT422, VTQ7D9QT3Y2, VTQ7D9QT463, VTQ7D9QT414, VTQ7D9QT3X4, VTQ7D9QT455, VTQ7D9QT4A5, VTQ7D9QT406, VTQ7D9QT3W6, VTQ7D9QT497, VTQ7D9QT448, VTQ7D9QT3V8, and VTQ7D9QT489.

² Transaction IDs VTQ7D9QT786, VTQ7D9QYPA6, and VTQ7D9QT778.

2018. In its Pre-Primary filing submitted to this Commission, the Morse Campaign reports having spent \$880.39 on postage³ and \$4105.08 on printing⁴ during the period between April 1 and May 16, 2018. Neither of the Morse Campaign's two most recent filings with this Commission disclose any loans, debts, or obligations to any natural or legal person, nor any in-kind contributions for postage or printing services.

9. In view of the size and scope of the Morse Campaign's direct mail program, the complainants have reason to believe that the Morse Campaign has underreported its spending by \$100,000 or more.
10. The Morse Campaign's significant under-reporting of its spending on direct mail becomes obvious when compared with the expenditures reported to the FEC by Regina Bateson (ID: H8CA04194), who is also running for Congress in California's 4th District.
11. On information and belief, Bateson's direct mail program is similar in scope to Morse's. The Bateson campaign reported in its Pre-Primary filing spending of \$161,200.51 for direct mail production between April 1 and May 16 of this year.⁵
12. In the period between January 1 and May 16 of this year, by contrast, the Morse Campaign has reported a total of just \$8762.90 in spending on printing and mailing, despite operating a large direct mail program.

REPORTING REQUIREMENTS

13. FECA requires the treasurer of a political committee to file periodic reports of receipts and disbursements with this Commission. 52 U.S.C. §30104(a)(1). Such reports must

³ Transaction IDs VTQ7D9RQCS0, VTQ7D9QT8Z0, VTR6NDJ10R11, VTQ7D9RQCR2, VTQ7D9RQCQ4, VTQ7D9RQCP7, VTQ7D9RQCT8, and VTQ7D9RPRR9.

⁴ Transaction IDs VTQ7D9RPS10, VTQ7D9RPYS0, VTQ7D9RPS03, and VTQ7D9RPRZ5.

⁵ Transaction IDs 500031896 and 500031897.

include “the name and address of each person to whom an expenditure in an aggregate amount or value in excess of \$200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure.” 52 U.S.C. §30104(b)(5)(A).

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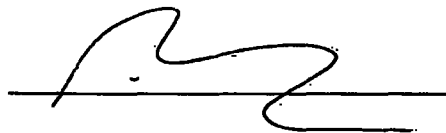
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from any and all violations in the future, and should impose such additional remedies as are necessary and appropriate to ensure compliance with the FECA.

May 25, 2018

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'David Kelly', written over a horizontal line.

David Kelly

Roseville, CA 95661

A handwritten signature in dark ink, appearing to read 'Gary Gutowsky', written over a horizontal line.

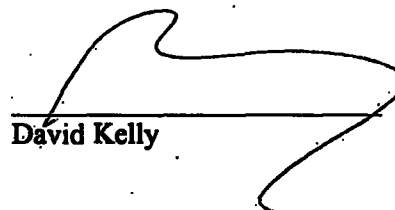
Gary Gutowsky

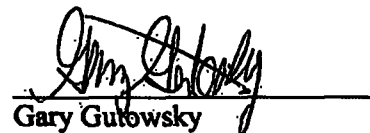
Roseville, CA 95661

VERIFICATION

The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true.

Sworn under penalties of perjury.


David Kelly

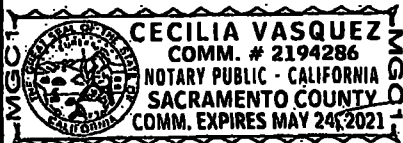

Gary Gutowsky

**PLEASE SEE ATTACHED
NOTARIAL CERTIFICATE**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Glacier

Subscribed and sworn to (or affirmed) before me on this 25
day of May, 2018, by Gary Gutowsky
and David Kelly
proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.



(Seal)

Signature

A large, stylized handwritten signature in black ink, appearing to read "Gary Gutowsky".

16044444001

Exhibit A



JESSICA MORSE

A 5th-GENERATION NORTHERN CALIFORNIAN
WHO WILLS PUT US FIRST

JESSICA MORSE



16044456846

Jessica Morse for Congress
1079 Sunrise Ave., Ste B-275,
Roseville, CA 95661



**"I've killed the length of our
disrice, sliced its maybains,
and fished its rivers - I know
the importance and beauty
of our natural resources. In
Congress, I will always put our
community ahead of politics."**

Jessica Morse is a 5th-generation Northern Californian who attended our local public schools. She knows our district faces many challenges that Congress has ignored. From wildfires and droughts to affordable, quality healthcare, Jessica Morse is ready to serve the community that shaped her.

VOTE JUNE 5TH

 Morse4Congress.com

 @Morse4America |  /Morse4America

Paid for by Jessica Morse for Congress

Postage and Fees Paid
JMO 1802

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

POST STD
U.S. POSTAGE
PAID
U.S. PSNLS. NY
PERMIT NO. 701
JMO 1802

JESSICA MORSE WILL
invest in early childhood
education and make college
more affordable.



JESSICA MORSE WILL
develop more options for
vocational training, so our
community has the skills
employers need.



JESSICA MORSE WILL
reduce healthcare costs
and fight attempts to rip
coverage from millions.



1004747100047

Exhibit B

1034741000700

JESSICA MORSE:

5TH GENERATION NORTHERN CALIFORNIAN. HIKED, FISHED, AND SKIED THE LENGTH OF OUR DISTRICT. READY TO SERVE OUR COMMUNITY.

Meanwhile, Congressman McClintock lives 22 miles outside our district - it's no wonder he's forgotten us in Washington.¹

Jessica Morse is one of us with local roots dating back over 100 years. Her great-grandmother, Edith, manned the telegraph booth near Donner Pass with only a pistol by her side. Rep. McClintock ignored the issues facing our community like wildfires, droughts, and affordable healthcare because he doesn't live here. Jessica Morse is ready to fight for our community and will:

- ❑ Invest in early childhood education and make college more affordable.
- ❑ Reduce healthcare costs and fight attempts to rip coverage away from millions.
- ❑ Develop more vocational training options, so our community has jobs and employers have a skilled local workforce.

ENDORSED
2018
CALIFORNIA
DEMOCRATIC
PARTY



VOTE JUNE 5

JESSICA MORSE

FOR CONGRESS

Check the Facts: 1. "These California lawmakers don't live in the districts they represent." Los Angeles Times, 12/22/15.

100474100070

Paid for by Jessica Morse for Congress

1079 Sunrise Ave., Ste B-275,
Roseville, CA 95661

*****SCH 5 DMI 95661 FSSC 2 0 - 357 20497

PRST STD
U.S. POSTAGE
PAID
LAS VEGAS, NV
PERMIT NO. 781

JMO 1804



CC

You deserve to be represented by someone who actually calls our community home. I grew up here and will always put the people in our district first."

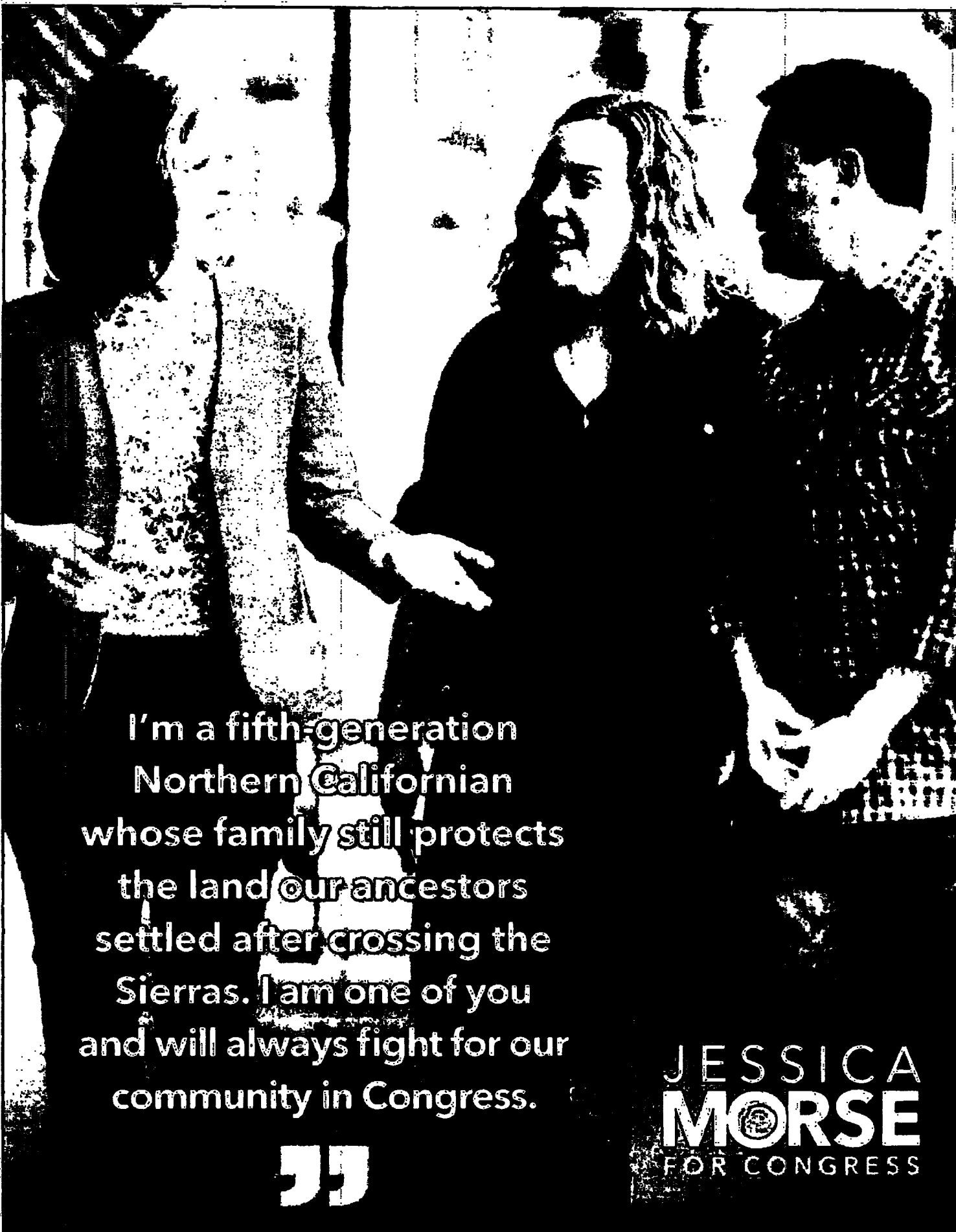


JESSICA MORSE FOR CONGRESS
VOTE JUNE 5

Morse4Congress.com | @Morse4America | /Morse4America

Exhibit C

1004416081



I'm a fifth-generation
Northern Californian
whose family still protects
the land our ancestors
settled after crossing the
Sierras. I am one of you
and will always fight for our
community in Congress.



JESSICA
MORSE
FOR CONGRESS

JESSICA MORSE

HIKED OUR ENTIRE DISTRICT,
SKIED OUR MOUNTAINS,
AND FISHED OUR RIVERS...

MEANWHILE CONGRESSMAN
McCLINTOCK CAN'T EVEN BE
FOUND ON OUR MAP.

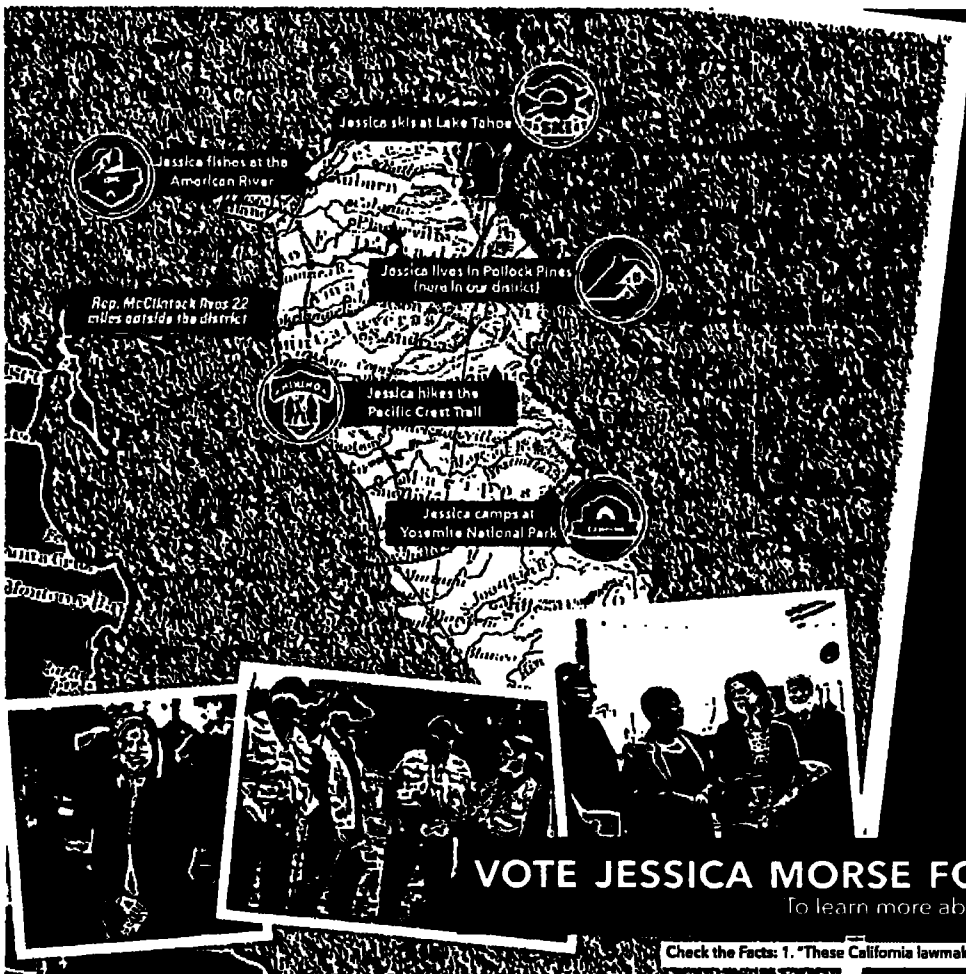
Jessica Morse is a fifth-generation Northern Californian from the Sierra Nevadas who attended our local public schools. Jessica is ready to take on the challenges in our community Congress failed to fix like wildfires, droughts, and affordable health care. Jessica Morse is a leader who always put Northern California first by:

- **INVESTING** in early childhood education and making college more affordable.
- **REDUCING** healthcare costs and fighting attempts to rip coverage away from millions.
- **DEVELOPING** more options for vocational training, so our community has the skills employers need.

VOTE JESSICA MORSE FOR CONGRESS JUNE 5TH

To learn more about Jessica Morse, visit Morse4Congress.com

Check the Facts: 1. "These California lawmakers don't live in the districts they represent," *Los Angeles Times*, 12/22/15



Paid for by Jessica Morse for Congress

1079 Sunrise Ave., Ste B-275,
Roseville, CA 95661

*****SCH 4-DIGIT 05661 FSSC 2-0-357-20517

POST STD
U.S. POSTAGE
PAID
LAS VEGAS, NV
PERMIT NO. 781

JMO, 1803 Pioneer



Morse4congress.com

@morse4America

facebook.com/Morse4America



JESSICA
MORSE

FOR CONGRESS

ENDORSED

2018
CALIFORNIA
DEMOCRATIC
PARTY



VOTE JESSICA MORSE FOR CONGRESS JUNE 5TH

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